

**STATE ELECTIONS ENFORCEMENT COMMISSION  
REGULAR MEETING  
June 22, 2005**

***I. Call to Order***

Chairman Cashman called the meeting to order at 9:10 A.M. Commissioners Mendoza, Cleary and Jenkins were present. Staff members present were Messrs. Garfield, Lenge, Smith, Crayton, Ly, Ms. Andrews, Ms. Kulmacz and Ms. Blackburn.

***II. Approval of the Minutes of the May 18, 2005 Regular Meeting***

It was moved by Commissioner Jenkins and seconded by Commissioner Mendoza to approve the minutes of the May 18, 2005 regular meeting. So voted.

***III. Pending Complaints and Investigations***

***A. Public Session***

1. In the Matter of a Referral by the Secretary of the State's Office  
"Friends for Lew" Committee  
File No. 2005-123NF  
Consideration of Hearing Officer's Report  
Respondents: Lewis I. Davidson and Patricia Davidson  
Investigator: William B. Smith  
Managing Attorney: Jeffrey B. Garfield  
Hearing Officer: Albert Lenge

Mr. Garfield stated that as the managing attorney for the above captioned case, he would recuse himself from being the Commission's procedural advisor on this contested case and allow Attorney Andrews to act as the procedural advisor for the Commission.

Chairman Cashman noted for the record that the Respondent is not present at today's meeting.

Attorney Lenge, Hearing Officer, heard the above captioned matter as a contested case on May 2, 2005. He summarized his Proposed Findings and Decision of the Hearing Officer and the subsequent documents that were forwarded to the Commissioners. He recommended that his report be adopted as a final decision.

Attorney Smith provided oral argument in opposition to the Hearing Officer's Proposed Findings and asked the Commission instead to adopt Recommended Findings and Conclusions that he had previously submitted.

Attorney Lenge and Attorney Smith each summarized their proposals and provided argument and rebuttal. After the oral arguments were heard, there was a discussion by the Commissioners.

Attorney Andrews suggested that the Commission may wish to take some more time to consider the facts and issues contained in both the Hearing Officer's Report and the proposed Final Decision offered by Attorney Smith. The Commission has 90 days from the close of evidence or the time briefs are submitted to make a final decision.

Chairman Cashman stated that his position on this matter is that there are two separate legal obligations. One is for the Respondent to file a termination report of his exploratory committee and the second is that he file disclosure statements. The primary obligation of the Commission is to be sure the disclosure statements are filed so that the public knows the status of the Committee. Some action by the Commission is necessary. Mr. Davidson has prior violations. Every effort must be made to have those reports filed and if that is not possible by the next meeting, the Chairman stated that a significant fine should be imposed in this case. He has until the next meeting to comply. Commissioner Cashman said that this matter is a unique factual situation and every effort should be made to understand the issues involved. The Commissioners agreed to table the matter until the next meeting.

Chairman Cashman called a five minute recess at 10:13 A.M.

2. In Re: 2004 Presidential Ballots  
Referral by Secretary of the State's Office  
File No. 2005-125  
Proposed Findings and Conclusions  
Investigators: Attorney Joan M. Andrews &  
Attorney William B. Smith  
Managing Attorney: Albert P. Lenge

Mr. Lenge explained the above referenced complaint and investigation and recommended the matter be dismissed for the reasons stated in the proposed Findings and Conclusions.

It was moved by Commissioner Mendoza and seconded by Commissioner Jenkins to adopt the proposed Findings and Conclusions in File No. 2005-125. So voted. The matter is

dismissed. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

3. In the Matter of a Complaint by Rosalie Rowland, Woodbridge  
File No. 2005-139  
Proposed Findings and Conclusions  
Investigator: Attorney Joan M. Andrews  
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint.

Attorney Andrews summarized the investigation stating that there are two separate proposed Findings and Conclusions. With regard to Mr. Joseph Hellhauer, the findings fail as a matter of proof and should be dismissed for the reasons stated in the proposed Findings and Conclusions. With regard to Mr. George Giering, the matter fails as to the matter of law and should be dismissed for the reasons stated in the proposed Findings and Conclusions.

It was moved by Commissioner Mendoza and seconded by Commissioner Cleary to adopt the both proposed Findings and Conclusions in File No. 2005-139. So voted. Copies of the Findings and Conclusions are attached and incorporated herein as part of these minutes.

4. In Re: Voting Machine Impoundment, Andover  
File No. 2005-144  
Dissolution of Impoundment Order  
Investigators: Attorney William B. Smith &  
Gilberto Oyola, Lead Legal Investigator  
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced matter. He explained that the impoundment order for the voting machine in question was authorized by the Commission. The machine in question was inspected and a malfunction was found and repaired. He recommended that the impoundment order be dissolved, and that no further action be taken.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to dissolve the impoundment order in File No. 2005-144. So voted.

5. In the Matter of a Complaint by Matthew Paulsen, Bethel  
File No. 2005-148  
Proposed Findings and Conclusions  
Investigator: Attorney Joan M. Andrews  
Managing Attorney: Jeffrey B. Garfield

Mr. Garfield explained the above referenced complaint and investigation. He recommended the matter be dismissed for the reasons stated in the proposed Findings and Conclusions.

It was moved by Commissioner Mendoza and seconded by Commissioner Jenkins to adopt the proposed Findings and Conclusions in File No. 2005-148. So voted. A copy of the Findings and Conclusions is attached and incorporated herein as part of these minutes.

B. *Executive Session per C.G.S. 1-200(6)(B) and (E), and 1-210(b)(4)*

It was moved by Commissioner Mendoza and seconded by Commissioner Jenkins at 10:33 A.M. to proceed into Executive Session pursuant to C.G.S. 1-200(6)(B) and (E), and 1-210(b)(4) to discuss strategy and negotiations with respect to pending claims listed as Items 6 through 9 on the agenda. So voted. Present were Commissioners Cashman, Mendoza, Cleary and Jenkins. Staff members present were Messrs. Garfield, Lenge, Smith, Crayton, Ly, Ms. Andrews, Ms. Kulmacz and Ms. Blackburn.

It was moved by Commissioner Mendoza and seconded by Commissioner Jenkins to return to public session at 10:55 A.M. So voted.

The Commission returned to Public Session and took the following action:

6. In the Matter of a Complaint by Ylo Anson, Andover  
File No. 2005-136  
Investigator: Gilberto Oyola, Lead Legal Investigator  
Managing Attorney: Albert P. Lenge

***This matter was continued.***

7. In the Matter of a Complaint by Daniel P. Pullium, Torrington  
File No. 2005-137  
Investigator: Attorney William B. Smith  
Managing Attorney: Jeffrey B. Garfield

***This matter was continued.***

8. In the Matter of a Complaint by Joseph Valys, Dayville  
File No. 2005-138  
Investigator: Attorney Marc W. Crayton  
Managing Attorney: Jeffrey B. Garfield

***This matter was continued.***

9. In the Matter of a Complaint by LeReine Frampton, Newtown ROV  
File No. 2005-147  
Investigator: Gilberto Oyola, Lead Legal Investigator  
Managing Attorney: Albert P. Lenge

***This matter was continued.***

**C. *Referral to Attorney General for Enforcement***

In the Matter of a Referral by the Office of the Secretary of the State  
File No. 2004-233L  
Michael Lauzier, Lobbyist  
Investigator: Attorney Marc W. Crayton  
Managing Attorney: Jeffrey B. Garfield  
Hearing Officer: Albert P. Lenge

Mr. Garfield explained that the above referenced matter was referred by the Secretary of the State's Office for Respondent's failure to submit the required lobbyist statement of contributions. A hearing was held and at the meeting held on April 13, 2005 a final decision was issued by the Commission. Respondent Lauzier was ordered to file his campaign finance report and to pay a civil penalty of \$220 within 30 days. If he failed to comply, the penalty would increase to \$1,000. He has not complied and Mr. Garfield recommended that the Mr. Lauzier be referred to the Attorney General for enforcement of the Commission's order.

It was moved by Commission Jenkins and seconded by Commissioner Cleary to refer Respondent Michael Lauzier to the Attorney General's Office for enforcement of the Commission's order. So voted.

**IV. *Update on Pending Penalty Collection Cases***

Mr. Garfield summarized the status of pending cases in which civil penalties were ordered by the Commission and not paid. There has been progress. There are six matters presently pending with the Attorney General's Office which Mr. Garfield commented on. The Special Litigation Unit has moved the cases to the Collection Unit in order to expedite the collection of the civil penalties.

**V. *Matter of Compliance with §9-45, Connecticut General Statutes***

Mr. Garfield suggested that this matter be discussed in Executive Session. Chairman Cashman passed over it temporarily.

**VI. *Final Report of the 2005 Regular Session of the General Assembly***

Mr. Garfield gave his report of the successes and failures of the session. He was disappointed that the chambers were not able to reach an agreement on campaign

finance reform. However, he emphasized the positive actions taken. For example, Commissioner Cleary has recently been reappointed by the Speaker of the House for a full term of five years. He congratulated her on her reappointment.

Mr. Garfield was also pleased to report that the Appropriations Committee and the House and Senate have approved a budget for this Commission that will enable us to operate effectively. There is also additional support to enable a training program for treasurers with the use of a CD. The training program will enhance the training for campaign finance compliance in time to affect the 2005 municipal election. Staff will continue the campaign finance seminars. In addition the budget contains funding to hire an additional staff attorney. The plan is to have the new attorney on board by Jan. 1, 2006.

Mr. Garfield also reported that many of the substantive election law proposals that the Commission submitted to the GAE Committee in January were enacted. Attorney Andrews has prepared a written comprehensive memo updating the status of the election bills. He thanked her for the update and also for all her help at the Capitol during the session.

He stated that S.B 55 is now Public Act 05-188. Among other things, it allows the Secretary of the State to approved an electronic voting machine which requires a voter verified paper record. Mr. Garfield acknowledged and thanked Attorney Lenge for his assistance in drafting the language of the bill. The bill also contains a mandate for the Commission to conduct a study of push polls and to report the results of our study to the General Assembly by February 1, 2006. Attorney Andrews explained what a push poll is and how they work. Mr. Garfield said that questions will need to be devised for the survey and he will hopefully have a draft prepared for the next meeting. PA 05-188 is awaiting the Governor's signature.

Senate Bill 6669 is now Public Act 05-235. This bill is a very comprehensive bill that contains a lot of the proposals that the Commission originally submitted. It includes a very strong paper trail for absentee voting and will prohibit anyone from misrepresenting the eligibility requirements for voting by absentee ballot. It requires supervised absentee voting at assisted living facilities and permits supervised absentee voting upon agreement of the registrars if the town clerk receives more that 20 absentee ballot applications from the same address. The bill also provides that a person charged with a violating absentee ballot laws would not be eligible for accelerated rehabilitation. The bill includes a compromise on same day (election day) voter registration. It pushes the in person voter registration deadline to 7 days before an election and retains the 14 day cut off for mail-in registration. This bill is also awaiting the Governor's signature

Mr. Garfield will continue to urge the Legislature and the Governor to come to an agreement on campaign finance reform and hopes that a special session will be held to address that issue.

It was moved by Commissioner Jenkins and seconded by Commissioner Cleary at 11:35 A.M. to proceed into Executive Session pursuant to C.G.S. 1-225(f) and 1-200(6)(B) to discuss the pending legal action concerning compliance with §9-45, Connecticut General Statutes. So voted. Present were Commissioner Cashman, Mendoza, Cleary and Jenkins. Staff members present were Messrs. Garfield, Lenge, Smith, Crayton, Oyola, Ly, Ms. Andrews, Ms. Kulmacz and Ms. Blackburn.

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to return to public session at 11:55 A.M.. So voted.

Mr. Garfield stated that the Commission had asked that a letter be drafted and sent to the Secretary of the State Election Division Director concerning compliance with C.G.S §9-45. The letter inquired about the requirement that they (SOTS) send information to the Registrars of Voters in order to ensure that felons do not continue to be on the voter registry list. A response from the Director of Elections, Michael Kozik, has been received and the Commission has discussed the response.

Chairman Cashman stated that he considers the response unsatisfactory and requested that staff draft a letter directly to the Secretary of the State requesting what additional steps she intends to take to correct the deficiencies in the cross matching between the Department of Corrections data and the State Wide Voter Registry List. Staff will give her a time frame to allow her to comply with CGS §9-45 to notify the Registrars of Voters of the existence of convicted felons. If compliance is not forthcoming, the Commission will propose to the next legislative session legislation that will clarify the Secretary of the State's responsibilities in this regard.

It was moved by Commissioner Jenkins and seconded by Commission Cleary to draft a letter to the Secretary of the State as stated. So voted. Commissioner Mendoza was not present for this vote.

## ***VII. Adjournment***

It was moved by Commissioner Cleary and seconded by Commissioner Jenkins to adjourn the meeting at 12:00 P.M. So voted.

Unless otherwise indicated, all votes of the Commissioner are unanimous.

The next regular meeting is scheduled for Wednesday, July 20, 2005 at 9:00 a.m.

Respectfully submitted,

Lois E. Blackburn  
Clerk of the Commission